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FIRST SESSION

A CHANGING SOVIET SOCIETY

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PUBLIC HEARING ON "A CHANGING SOVIET SOCIETY"

Wednesday, May 17, 1989

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC

The Commission met, pursuant to notice, in room 138 of the Dirksen Senate Office Building, at 2:30 p.m.; Senator Dennis DeConcini, Chairman, and Representative Steny H. Hoyer, Cochairman, presiding.

In attendance: Commissioners, Representatives Edward J. Markey, Don Ritter and Frank R. Wolf; Senators John Heinz and James McClure; Hon. Richard Schifter from the Department of State.

OPENING STATEMENT OF CHAIRMAN DeCONCINI

Chairman DECONCINI. The Commission on Security and Cooperation in Europe will come to order.

Cochairman Hoyer is on his way here momentarily. May we please have order? Thank you.

I am pleased to note that Czechoslovak writer Vaclav Havel whom the Helsinki Commission has nominated for the Nobel Peace Prize was released from prison earlier today.

I'm also pleased to say that Jiri Wolf, who served over 9 years in prison, was also released today.

I'd like to draw your attention to some important material which just was sent from the Baltic States of which have copies here for anybody who is interested in seeing it. Thanks to the Lithuanian Information Center, they're available at the press tables for you to look at.

Last week the three Baltic Popular Front councils and newly elected Supreme Soviet deputies met to develop a joint program. Several appeals were issued to the heads of the 35 Governments which signed the Helsinki Accords.

One such appeal asked CSCE Governments to "Note the aspirations of our nations to self-determination and independence in a neutral and demilitarized zone of Europe."

The appeal also asked that this issue be resolved on an international level with Baltic representation. Baltic self-determination as well as ferment in the U.S.S.R. reminds us that nationalism is a vital force in Soviet society today.

Last month's attack by armed troops on peaceful demonstrators in Georgia, shows how dangerous official Soviet reaction to popular protests really can be.

If the Kremlin intends to democratize and de-centralize Soviet society, it will have to learn tolerant methods of dealing with such dissent.

Senator MCCLURE. Mr. Chairman——

Chairman DECONCINI. Yes?

Senator MCCLURE.I wonder, before turning to the witnesses, I might just respond for a moment—I have no opening statement other than just——

Chairman DECONCINI. I'll be glad to yield to the Senator from Idaho.

Senator MCCLURE. I thank the Senator. Just to say that I am immensely pleased to hear of the release of Mr. Wolf. His is one of the cases that I discussed with the Czech Ambassador here in Washington, and with officials of that country in Prague when I was there recently. I am pleased to see that they have deluded to release him. That is a hopeful sign and I hope it's followed by others.

Chairman DECONCINI. I thank the Senator and I know his travels there dealt with this case and some other cases, and surely it had some influence.

I'll be glad to yield to our distinguished colleague who is with us from the State Department, if he has any comments before we go to the witnesses.

Ambassador SCHIFTER. Mr. Chairman, no thank you. I have nothing.

Chairman DECONCINI. Thank you. We will——even those who predicted before March 1985 that the Soviet Union was ripe for change must marvel at the scope of the transformation taking place under Mikhail Gorbachev.

He is masterful at capturing our imagination with dramatic announcements of unilateral military cuts and wholesale releases of refuseniks. He excels at putting the United States and its allies on the defensive by seeming to be on the cutting edge of disarmament and ending the cold war. But how much of his public drama is reality and how much is appearance?

Before we can answer this question, we must focus on the nature of the changes going on in the U.S.S.R. If they are the stimulus impelling us to rethink our policies, we must examine how far they have gone to date, what they mean, whether they are reversible and if so, under what circumstances.

Only by understanding these issues, can we develop a set of criteria by which we can gauge Soviet progress and lack of progress. It is this key question that we hope to address today.

We are fortunate to be able to call some real experts as our witnesses that will be testifying with us today. They have all distinguished themselves as scholars, commentators, and as advisors to policy-makers. We look forward to listening to them.

Our panel consists of Dr. Louise Shelley who is chairperson of the American University Department of Justice, Law and Society, and a professor of the School of International Justice, just to mention a few things. She is a specialist on the Soviet legal system.

We have Dr. Dimitri Simes, a senior associate at the Carnegie Endowment for International Peace, and director of its project on U.S. and U.S.S.R. relations. He is one of our foremost specialists in

this particular foreign policy area and is a member of the Council on Foreign Relations.

We have Dr. Murray Feshbach, who has long been one of the most acute observers of the Soviet social scene.

Before glasnost, he was renowned for his ability to shift through sparse and scattered data, to draw wide-ranging conclusions on the health, literally and figuratively, of Soviet society.

I remember reading a number of analyses that he made and how true they turned out to be.

Before we proceed, I'd be glad to yield to the distinguished Congressman, Mr. Ritter, the ranking Republican member on the House side, if he has any opening statement.

STATEMENT OF REPRESENTATIVE DON RITTER OF PENNSYLVANIA

Congressman RITTER. Mr. Chairman, thank you. We just had a vote on the House side and I want to welcome our witnesses.

Dr. Feshbach, it's good seeing you again, Dr. Simes. And welcome you Dr. Shelley.

I would simply hope that when the witnesses present their testimony they could also comment on what I believe is an alarming occurrence in the evolution of the legal underpinnings to glasnost and perestroika.

I believe that the legal underpinnings may be extremely weak, the foundation of glasnost and perestroika may be one of sand.

And that, from the decrees of last summer, the demonstration law, the administrative arrest, the front page article in Pravda on April 11 which defined new articles 11 and 7, which are Stalinist in their very nature, and which can really reach out to any of the unofficial groups and destroy them on the grounds of insulting the regime, or calling for multiparty democracy or calling for greater nationalism.

So I think these laws seemed to have been ignored. These changes in the laws seem to have been ignored by the media in the United States and to our own peril.

I don't know how we can ignore front page stories in Pravda on new statutes signed by Gorbachev, effected into law by the Presidium. We in the Helsinki Commission, under the leadership of the Chairman were in Russia in November 1988.

I chaired a group entitled the Individual, the Community and the Law. And we were under the very distinct impression that legal underpinnings to glasnost and perestroika would be forthcoming.

If these are the legal underpinnings, we are in a very unstable situation, whereby either the whole thing could disappear if there was some slight changes at the top. Or it could be applied selectively in a way that I think would be very disturbing to the West.

So I would like to hear the comments of our witnesses on those matters. Thank you very much, Mr. Chairman.

Chairman DECONCINI. Does any other member have any statement before we go to the witnesses?

We will start with Dr. Shelley.

STATEMENT OF DR. LOUISE SHELLEY, CHAIRPERSON OF THE AMERICAN UNIVERSITY DEPARTMENT OF JUSTICE, LAW AND SOCIETY, AND PROFESSOR OF THE SCHOOL OF INTERNATIONAL JUSTICE

Dr. SHELLEY. I'm going to deviate a little from my written testimony.

Chairman DECONCINI. Can you pull that microphone right up front? Thank you very much.

Dr. SHELLEY. I'm going to deviate a little from my written testimony and discuss some larger issues.

The Soviet representatives returned from Vienna stating that the Soviet Union was no longer on the defensive in the human rights area. The Soviet Union is increasingly being on the offensive in different areas, it changes the level and the scope of dialogue in the human rights arena.

It calls on you as policy-makers to develop a new creative strategy so that we do not lose the initiative in the human rights arena.

I think it is very important for us to emphasize basic rights in the human rights arena, including—the right to due process, a system of checks and balances in the legal system. A right to know in the legal arena, and the fact that laws must be open and known.

The Soviets are also moving away from this defensive posture to an arena in which they want dialogue. And this also changes the terms of exchange in the human rights field.

The traditional stance of moralizing that may play well in the United States may not be the best tactic to use in this arena. We make ourselves as moralizers in this situation, sometimes we can be put on the defensive.

I have found in negotiations or discussions with the Soviets on this subject, recently when I was with the Juridical Commission of Helsinki Watch in the Soviet Union, that it is useful acknowledging that we had problems in the justice arena, but discussing what needed to be done to create the *rechtsstaat* (the rule of law state).

I would admit that we have problems in our prisons. I do not think they are as severe as what goes on in Soviet prisons, but I would emphasize that we have legal libraries for our prisoners, and legal rights in the courts that are so important.

And it's these kinds of subtle elements in the discussion that need to be brought out. What is important is the need for a legal underpinning. These basic legal conceptions.

I think it is unrealistic to expect immediate change. There is no longstanding legal culture in the Soviet Union. In fact one can say that there is an opposite of a legal culture, if you would look at the Stalinist period.

It will take decades to create this. It is your responsibility to monitor individual events and occurrences in the legal arena, such as articles 7 and 11 that I'm going to discuss.

But as an academic, I can afford to take a more long-range view and state that one can see the beginnings of a legal consciousness in the Soviet Union.

In response to surveys in the Soviet press and inquiries to the population on how they perceive legal reform, one can begin to

note that the people are becoming more aware that they need legal rights, and that legal rights are important.

But to expect immediate and consistent change in one direct—is unrealistic. One will see two steps forward and one step back, and maybe the other way around at some point.

There are a few points that I would like to highlight. The situation is extremely fluid. It is quite unstable, and there is turmoil going on between Liberals and Conservatives.

Evidence of this is the articles on demonstration. It is a reflection of these problems.

Chairman DECONCINI. Pull that microphone right up.

Dr. SHELLEY. All right.

Chairman DECONCINI. Thank you.

Dr. SHELLEY. All right.

The second point that I would like to make is, there is a very great difference between what is official and unofficial in the Soviet Union.

With democratization there has been a wedge that has opened in Soviet society and different groups have been allowed to register, protests are authorized.

But one should not forget the distinction that exists between that which is now official and which enjoys certain rights under Soviet law and that which is unofficial and does not enjoy the increased protection that exist.

This is important in looking at the law on demonstrations which I've been asked to speak about, and the nationalities, demonstrations that are occurring in different republics.

And let me go on to look at articles 7 and 11 on anti-state crime. When I was in Moscow and other cities in January and February, I consistently heard what there would be new formulations on what is now known as articles 70 and 190 in the Criminal Code of the RSFSR.

And the laws that have been adopted in April are very different from the discussions that we heard of the proposed articles.

As has been mentioned in some of the opening statements, there was an indication that article 70 would be modified to refer to the violent overthrow of the Soviet system, and article 190–1 would be eliminated.

As to what happened in April, a much broader article was adopted. Article 7 of the U.S.S.R. fundamental principles of legislation, which is to be adopted by each of the individual states, allows the law to be applied much more broadly than the provision that were under discussion that I heard about earlier.

Article 11 provides for punishment for degrading of Soviet officials— which is seen by many as a threat to glasnost. And this provision was not even foreseen in the discussions that I had with leading Soviet officials. So it seems these laws have taken many people by surprise.

What is also very interesting to look at is the reaction to these articles. When you say there is a threat to perestroika, one must look and see that there is not one situation—the situation is very fluid. And the reaction to this has emerged in the press.

If you look at the liberal press you will find the same kind of criticisms that were made in the opening remarks on these articles.

Saying that all the press is threatened, and all of us could be prosecuted for what we're writing now in the press. That appeared in the "Literaturnaya Gazeta."

If you read the military newspapers they say that articles adopted were extremely valuable. They were what was needed to prevent anarchy in the Soviet Union.

And if you take the middle ground, the one that's reached the largest audience you can listen to Vremya, which is the national news. And to all American TV watchers you'd be surprised to hear 5 minutes of prime time Soviet television on the evening news devoted to a commentator from the Institute of the Procuracy discussing these particular articles.

He tried to define these articles away. The first one, article 7 he mentioned was in agreement with the Vienna Accords and was a huge advance over what had existed before and was in accordance with French legislation.

In reference to article 11 he said that this could only be used in very, very narrow terms. That is it could not be used against the press. That there were very few people that could fall under the scope of this legislation.

This kind of very narrow definition is the kind of material that you would be reading about in a commentary on the law. Along with the criminal codes are published commentaries. But no commentary has been published on this legislation.

So this interpretation that has been given to a national audience has not yet been substantiated. But it shows you the significant turmoil that exists in the community, from the Conservatives who are hailing this legislation as great progress, to the Liberals who are absolutely frightened to death by it.

And the middle road that's propagated on the national television that's telling people, don't worry, it can't be applied very broadly, and is an advance over the past.

I would also like to say something on my current situation. I am supposed to leave for the Soviet Union tonight to go for 3½ weeks under an exchange with the Academy of Sciences to look at the question of democratization in the Soviet Union and look at what's going in the Supreme Soviet in the elections.

And despite assurances from the Soviet Embassy that have been coming for the last few days, I have received no visa as of yet. And I am told that it will be coming, but if it doesn't come, I hope that I will be taken up in your remarks next week in Paris.

So to conclude in what I want to say, I don't want for you to focus entirely on the details. The details are important but the situation is fluid.

The new legislation may be taken up by the new Supreme Soviet which is going to be elected next week. And there the battles between the Conservatives and the Liberals will be fought out again.

You as policy-makers should emphasize on putting a legal foundation under perestroika and being sure that there are enough checks and balances in the forthcoming legislation.

That there is a right to know legislation because the problem of secret regulation is still very much of a problem in the Soviet system. And there are regulations concerning the passport system, and other issues that are touched by the Helsinki Accords and the

Vienna Agreements. It is not clear that they are going to be followed.

These are the general issues that should be followed. The right to know, the need to put an underpinning in the system. I will end with this.

Senator DECONCINI. Thank you, Dr. Shelley.

Dr. Simes?

STATEMENT OF DR. DIMITRI SIMES, SENIOR ASSOCIATE AT THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE AND DIRECTOR OF THE PROJECT ON U.S.-SOVIET RELATIONS

Dr. SIMES. Thank you very much. Thank you Mr. Chairman. I am delighted to be here.

I believe very strongly that this is the time to focus on political and human rights changes in the Soviet Union.

That is not only because these changes are important to the United States from a moral standpoint, not only because of solid legal obligations, but because we do not need the human rights issue to become another divisive element inside the NATO Alliance.

I just came to this room after listening to a senior West German official. And I was listening to his assessment of what was happening inside the Soviet Union.

I became increasingly nervous about whether we were talking about the same country, same performance, and of course I was very nervous about what did we mean for 1991. If the Soviets have some unpleasant surprises at the last moment, then I am afraid not only Prof. Shelley, but some other much more controversial people may be denied visas on the eve of the Moscow Conference.

And unless these issues are addressed and considered in advance inside the alliance, I am afraid we may have some serious trouble.

Let me make five points very briefly in telegraphic style about change in the Soviet Union. I think that what we are witnessing today is a profound change of historical proportions.

I always used to say that it was potentially a change of historical proportions. Now I am prepared to drop this qualifier and to say it is already change of historical proportions.

I also believe that what has happened is so important and goes so far, that even the departure of Mr. Gorbachev would not stop this great Soviet transition.

Don't misunderstand me. First of all, I'm not predicting that Gorbachev would have to depart, and second, I don't think that his departure would be entirely irrelevant.

What I'm trying to suggest, however, is that what we see today in the Soviet Union has sufficient social underpinnings, has a sufficient psychological element, and has a sufficient new political infrastructure that can outlive any particular individual.

I would like to relay a little personal anecdote. When I was in Moscow the first time in October 1987 the first time since my emigration 14 years before, I had lunch with a friend who was shocked to discover that I was impressed by glasnost.

He said that I was too Americanized, very naive, and was brainwashed. Then I was in Moscow during the summit and I saw the

same friend, and he said, you know, interesting things are happening, but he said this is still not freedom. They give this freedom to us today, they can take it away tomorrow. It is all for reasons of efficiency, they get Western loans, they begin running trains on time. Gorbachev would consolidate his power, would use glasnost to get rid of his opponents and we would be back to square one.

Well, recently I got a phone call from him from Moscow. He is now an advisor to Boris Yeltsin, and he doesn't say *they* any longer—he says *we*, *we*'re going to do it. And wait till we go to the Supreme Soviet. And once we begin summoning all these people and asking them what the hell are they doing—and he's planning, incidentally, to come here and meet a number of people on the Hill because he is very interested in how congressional staffs operate.

I find this experience quite revealing. It is really an important change on many different levels.

Second, what particularly impresses me about this change, I have to say, is how moderate and responsible both the senior officials around Gorbachev and the Soviet masses have proven to be.

Many sovietologists, myself included, were somewhat concerned about ordinary Russians with a lack of democratic experience, with intolerance, xenophobic anti-Semitism et cetera. How would they start acting? Particularly in the context of economic stringency if controls are relaxed.

Well now we know how they are acting. During the last election, I was told about 15 candidates who were supported by Pamyat, a notorious anti-Semitic group. All 15 lost. In two cases they lost to the Jews. These people were elected by ordinary, simple Russians.

You can see that the people, the intellectuals and the officials are genuinely interested in having some kind of a dialogue and are making some attempt to understand each other.

You know it's quite different, for instance, from Poland or Czechoslovakia in 1968 where there was a tremendous temptation to ask what were you doing under the old regime? What crimes, what sins were you responsible for?

Now I think there is a temptation to act together, to become a part of the same process of change. Why is it possible? In my view it is possible because Mr. Gorbachev began his revolution from above, before it became absolutely necessary.

What I'm trying to suggest is that in terms of public perceptions he is not surrendering to pressure. It is not too little too late. Many people have very serious complaints about the General Secretary, and quite a few of these complaints are entirely justified.

But most people believe that he wants to turn things around. For that, Gorbachev gets credit.

And that credit, that clear credibility of the Central Government allows it to give this political revolution certain structure and create this element of tolerance, which I find very important, and without which, of course, you cannot change the multi-national empire.

Point No. 3 is that inspite of all these optimistic changes we have to appreciate that there is a great deal of experimentation going on in the Soviet Union.

It's not like the General Secretary has a clear-cut strategy, that he knows exactly what he wants to do.

I have to say that one of the most amazing sovietological revelations I heard during the last year was the revelation coming from Ambassador Kennan on the McNeil-Lehrer News Hour when he suggested that Gorbachev was familiar with Western legal thought, that he was a lawyer in the Western sense of being a lawyer, and that he wants to transform the Soviet Union into a legal state—the way we define it.

I recommend to you a book by Gorbachev's former friend and classmate, Zdenek Mlynar, who later was a Central Committee secretary in Czechoslovakia during the Prague Spring; now he's a professor in Vienna. He writes about the educational experience he shared with Mr. Gorbachev.

They never were exposed to Locke, Aristotle, they were not familiar with Western legal or political theory at all. As a matter of fact, as Mlynar explains, the law, as it was taught to them, was how to use laws and regulations to force citizens to serve the state better. That was how the law was perceived when Mr. Gorbachev was trained as a lawyer.

And of course, Mr. Gorbachev never served as a lawyer, nor was he a member of the Bar. He was a Komsomol official, then a party apparachik and I have to say there still is a lot of legal party apparachik in this great man. When you watch him on TV attacking Armenians, insulting Estonians, interrupting intellectuals; he shows this rather arrogant, contemptuous side.

So, it seems to me, that what you witness today in the Soviet Union is a process of trial and error, of Gorbachev growing on the job.

People around him very often change their minds about things, and accordingly we should not assume that there is a wonderful clear-cut design. If, for instance, they make a step back—it is not always a matter of tactics. Very often they plainly do not know what they are doing.

Point No. 4 is that if you want to understand what is happening today in the Soviet Union you cannot focus anymore strictly on Gorbachev's intentions, or the intentions of people around him. You have to look at the new political forces in the Soviet Union.

You have to look, as you mentioned, Mr. Chairman, at the national movements in Baltic Republics. You have to focus on new intellectual forces around Andrei Sakharov and others who are going to play a major role in the new Supreme Soviet. You have to look at populists like Boris Yeltsin.

And this chemistry is changing all the time. At this point, as I try to suggest, it looks rather positive. But I do not know what the next turn is going to be.

It may take just one conflict, lets say in Estonia, one little riot and Russian refugees from Estonia begin arriving in Moscow, and staging hunger strikes in Red Square in front of the Kremlin, and Pamyat suddenly could become much more popular.

When you have an explosive situation, when you have tremendous economic deprivation, it really—I would have to say it would be almost a miracle if they have a smooth ride.

In short, it seems to me that we will get good news from Moscow, but we also have to be prepared to hear a lot of bad news from Moscow. Mr. Gorbachev has not made the ultimate choice yet.

I'm not sure that he understands yet that he has to make it, namely the choice between maintaining the established monopoly on power, and having a genuine democratic process where people would feel that they should display initiative that they are masters of their own destiny.

You know what Gorbachev has been doing up to now, he has been very generously and very skillfully allowing people to be on a much longer leash. But I think that they is approaching a moment when people will start demanding that this leash be destroyed altogether.

Then they would start pursuing agendas which may go completely against Mr. Gorbachev's purposes. And at that time, what is he going to do? We don't know. I don't think he even likes to think about this himself, in any hypothetical sense.

And my final point, Mr. Chairman, is that the change in the Soviet Union is already irreversible. By that, I mean that what Gorbachev accomplished was to destroy Soviet pretense, Soviet institutions, the power of ideology and the power of bureaucratic political controls.

They simply cannot go back to Stalinism or its more moderate version, Brezhnevism. That much is assured. However, of course if there is great disorder under the heavens in the Soviet Union, there may be a strong Conservative backlash. It is already happening today to some extent, but it may increase.

And you may discover hesitation in the Kremlin, if Mr. Gorbachev begins to feel that they went a bit too far, too fast, and then he may become part of the problem rather than part of the solution.

There is a joke in Moscow that there are two coalitions constantly fighting each other in the Politburo. One is Gorbachev and Yakovlev. The other is Yakovlev and Ligachev.

I think there is a lot to this joke. There is a considerable ambivalence in the General Secretary's own mind. But I think they still cannot go back to the past.

If they have to proceed with repression, the repression will be based more on the Polish model than on the traditional Soviet totalitarian model. It would have to be a cruel authoritarian regime rather than a traditional Communist totalitarian regime.

I don't think that such a regime would be necessarily anymore pleasant, or more respectful of human rights. But it would be less comprehensive in terms of controls and I am positive in the long run it is not going to be sustainable.

Thank you very much, Mr. Chairman.

Chairman DeConcini. Thank you, Mr. Simes.

Dr. Feshbach?

Thank you. Hold the microphone right in front of you there. Very good.

STATEMENT OF DR. MURRAY FESHBACH, SERVED AS CHIEF OF THE U.S.S.R. POPULATION, EMPLOYMENT AND RESEARCH AND DEVELOPMENT BRANCH OF THE FOREIGN DEMOGRAPHIC ANALYSIS DIVISION OF THE U.S. BUREAU OF THE CENSUS AND CURRENTLY IS RESEARCH PROFESSOR AT GEORGETOWN UNIVERSITY

Dr. FESHBACH. Thank you, Mr. Congressman and other gentleman.

I've been asked to give sort of a more, I would guess a more micro approach to interpretations of trends in social issues, in health and crime and education. But I'll try and bring it into a larger issue as well of the right of people to go to school and similar issues.

Social issues, as you well know, have long been neglected in the Soviet Union. They started out very well and then forgot it as they went into a production drive—and yet things improved for a long time because it was easy with very quick injections of funds to improve health conditions.

Housing still was stock from the czarist period. But then came the Second World War and of course much of that was destroyed. And then came choices that they had to make between production versus consumption, if you wish.

And as Gorbachev has clearly said, the choice was made to stress production and they now have to address these social issues to makeup for all these years in which there was almost total neglect of the social side of the equation, the social contract, if you wish, for the population. I thought it had been broken for a long time. This included the area of health as well as areas of education and housing.

Finally they are down to where housing for "only" 15 to 18 percent of the Soviet urban population still lives in shared housing—shared bedrooms, kitchens, bathrooms, entranceways, whatever. But that is still 15 percent of a very large number. And not all of that is in very good condition even if they have separate facilities.

So much resources has to be allocated to that. Also much resources has to be allocated to the health sector where, for a long time, the leadership only looked at the input side and not the output side.

And this, then combines with the decision on fertility made in the sixties when the Soviets, in their relative desperation to have more labor force, because of the terrible losses during the Second World War, were very successful in getting women into the labor force.

But this labor force participation rate increase combined with much more attainment of education, with a much higher level of urbanization, combined to drive fertility to a very low level, for which they are now paying a price 20 years hence, if you wish. In terms of the working age population, this "price" shows a decline from about 30 million net increase between 1970 and 1985 to only about 5 to 6 million in 1986 to 2000, most of whom will come from the south.

But, in practice, 70 to 75 percent of the gross industrial product is produced in the north, and the population of Muslim origin, to

be more specific, does not move to the north, does not move out of their area.

So this means that productivity has to be increased. And one of the major underpinnings of perestroika is to have productivity increased dramatically to get much more yield per worker. But to make the worker work better, he has to be sober and she has to be sober on the job before arriving on the job and after work.

So the very first decree passed by Gorbachev when he took over in the spring of 1985, the first published decree, maybe there were others, was the Anti-alcoholism Decree.

And this infamous decree has created other kinds of spinoff problems in terms of—if you wish the social costs of empire. That is, all the sugar that Cuba has been paying them is now being used to make samogon, to make homebrew. And there are shortages of sugar, in fact there is rationing of sugar in the country.

But people are also drinking alcohol surrogates. This includes not just the usual kind of industrial alcohol, or jet fuel, but perfume and shoe polish, and the shortage of toothpaste in the country because they have squeezed the liquid out of it to drink that god-awful stuff.

And the point is, the Minister of Interior, in the form of glasnost in fact, has told us that more than 10,000 people died in 1987, and more than 11,000 in 1988 from drinking these alcohol surrogates. This is over and above the issue of samogon, homebrew.

Now, one of the costs of this has been, of course, the cutback in revenues to the state from earnings from sales of official alcohol. And they had a monopoly in the Soviet Union or other countries which have monopolies, the revenue side is also very important—and shall we say, the usual ambivalent issue whether you want to pursue that revenue or you want to change the health condition of the population.

Now the actual fact is, in fact, is that the Soviet Union and the United States per capita consumption of alcohol is not that very far different. But the difference is in the structure and the style of drinking.

The structure is much more hard liquor there, and much more wine and beer here. But there is also a question of chug-a-lugging vodka one right after another. And that makes a big difference in the health of the consumer.

Well, they have changed that quite a bit but they are beginning to loosen up again. And I think they may pay a price for this loosening up in the long term in terms of the health condition of the population.

But you have to have everybody healthy if you have many less people around in your working-age population 20 to 59.

For a long time they did not concern themselves with health issues until, if you wish, 2 years after Gorbachev came into office. And in January 1987, give or take 1 month, they fired the entire medical establishment in the Soviet Union.

They fired the Minister of Health, two Deputy Ministers, the head of the maternal and child health care administration. Reviewed the qualifications of 350,000 of the million physicians, so called, of which they then fired 1,000 immediately and gave 10 percent more temporary certificates.

They also fired the President of the Academy of Medical Sciences, fired Major General Sorokin, head of the Southern Group of Forces, Military Medical Services, and changed the entire medical curriculum for training of physicians.

For example, the current Minister Chazov, a very renowned cardiologist, co-Nobel laureate with Dr. Bernard Lown said that 40 percent of brandnew medical school graduates in the Soviet Union cannot read a cardiogram.

That is not an idle issue. If you cannot read a cardiogram, then you have other problems. That may not last very long, because you are not going to be around.

Well what they did is, they looked only at the input side and not the output side, and the output side, if you wish, was the question of morbidity and mortality which increased dramatically, particularly among infant mortality, decline in life expectancy of males, very sharply. But also levels of illness, the likes of which we would not tolerate in this country.

These levels of diphtheria, hepatitis, typhoid, measles, and mumps, which are very serious illnesses when you get into very large numbers, has affected both the civilian and military populations in the Soviet Union, so much so, that they have had to address the issues in a way they never did, and allocate resources. And I think this resource allocation is one of the issues of making a virtue out of a necessity—the necessity being—one of them being the health issue, but partly being a diversion of resources from the military, but still with a long way to go, of course.

It is so much so that diphtheria in the United States is zero; one, two, three cases at that level. In the Soviet it's 1,100 to 1,500 and I believe very sharply undercounted.

Hepatitis in the United States is 56,000 cases; in the Soviet Union it is 800,000 to 900,000 with a population only 15 percent larger.

Typhoid in the United States is 100 to 300 cases, mostly based on the number of carriers. The Soviet figure is 10,000 to 19,000, depending upon the year you take it in the recent past.

Well, a number of these problems and the question of AIDS are noteworthy. AIDS, unfortunately we have a horrible tragedy in this country. In all sexually transmitted diseases we are much ahead of the Soviet Union according to official and probably other figures.

I totally reject their figure of one or two, or three or four, for the number of cases of AIDS. I think the Soviet figure is closer to 2,000 to 5,000 full-blown AIDS.

They have a minimum of 10,000 of HIV, but this level is nowhere near the horror of 80,000 cases in the United States and having some 40,000 persons died already in this country. Nonetheless, the projection for the Soviet Union is that it will increase there, too.

This also takes money. But before you get to that it also effects the civilian population, but also the military population.

The differentials in fertility of the past will impact until the end of this century.

The fact that we have glasnost in this case, in a very interesting little newspaper called "Argumeny I Fakty"—the Arguments and Facts, which is probably a KGB newspaper.

It is the only one that has a section called the "KGB Comments and Informs." I mean, you see that rubric, you do not know, you look at it and you do not believe it. And you call in three others to translate it also, even though it is very simple words in Russian.

And the MVD press center is in there every other week, too. Well, Colonel Deryugin, a military sociologist, finally told us—this is the first time we have had this information, that in 1980, 28 percent of all draftees came from the Transcaucasian and Central Asia, from the seven southern Republics, excluding Kazakhstan.

By 1988 that figure had gone up to 37 percent. That was my projection for the year 2000. Which means, then, that the impact of differential fertility, plus very likely the avoidance of being drafted by many of those in the north of the country, makes the composition of the Soviet military, at the draft level, very different, even though we had anticipated this problem for the future.

But their health conditions is much worse coming from the south. If you just look at hepatitis, the rate compared to the Baltic area is about seven times as much per 100,000 population when you standardize it.

But also their Russian language ability, we now know, is much worse than even I thought, and I was one of the pretty negative ones about that. And we find that 90 percent of rural Central Asians do not speak Russian well at all, a point that in Soviet military publications now it is reported that many more of them are being rejected.

Well, if that is the case it may well lead to a volunteer army, I think about 5 years from now, as they face up to these issues as well as other issues. And there is beginning to be some talk about it by Savinkin and others, both pro and con.

Even though the Soviet Chief of Staff has stressed this issue, saying it is going to be too expensive, but I think they are going to cut back on the military anyway. But it then makes them more efficient. And that may be another kind of threat to us, as opposed to a more benign situation with a smaller military.

Well, there are other costs that they need—they have to replace—they have to build sewage facilities, they have to build hot water pipes, et cetera, and in part because of this lack of facilities, mortality as I said in infants, is still remarkably high.

We have a terrible figure of infant mortality in the city of Washington. The rate is roughly 20 to 25 per 1,000 live born children. In the Soviet Union that is their national rate, hiding the difference between 12 and 56 in Lithuania and Turkmenistan,and that figure is undercounted by certain definitional problems. I will not go into it.

The point here is that by bringing in this new man (Chazov), and now changing the allocation of the budget from 100 billion rubles in the current 5-year plan period, to 190, to double it in the next 5-year plan virtually is remarkable.

And assuming he actually gets the funding of it, which he claims he will, this can make a difference but still will be too short. Nonetheless, it shows the difference in attention to some of these issues which had gotten so bad. And I think they have to continue with that.xxx

As to imports—they still have a problem with valuta—with hard currency, but they are changing that too. So I think this, combined with environmental issues where you find the environmental issue to be a terrible problem, not just issues of global warming, which I am addressing in a paper written by a young colleague of mine with whom I am working, for OTA, for Congress.

But issues of air pollution where we would scream in this country if the maximum permissible limit of EPA were to be exceeded by two or three times, or four or five times.

But there are 50 million people living in 102 cities in the Soviet Union where the Soviet definition of maximum permissible pollution level is exceeded by 10 or more times. Some cities 300 or more times. Where people wear masks walking around and where infant mortality is high.

That was, in fact, the final trigger for the Nagorna-Karabakh events, the political events, the nationality events in Azerbaydzhan was when the Ministry of Non-ferrous Metallurgy wanted to extend an aluminum plant in Yerevan, but which had a bad record from the basic plant with environmental pollution as described in a letter written by 351 intellectuals of Gorbachev, about leukemia and many other problems.

They wanted to extend it and the Armenians said no, we do not want it. The Azerbaijanians said oh, well, we will take it, but lo and behold we are going to put it in the Armenian enclave in Nagorna-Karabakh.

Now this was like the last trigger for many other complaints and problems that they had on language, education, about economic resources—but you can also read this in the Lithuanian situation—and recent the revelation about Gomel and other oblast regions adjacent to the Ukrainian border—and the Chernobyl nuclear explosion.

In fact there recently was a map in *Pravda* in incredible detail talking about the radiation in these areas, and the immigration, forced immigration, if you wish, or migration of these people, of some 100,000 people from this area.

In the Ukraine there almost was a National Front setup, but 3 days before it was to be setup, in fact, they stopped the construction of the Crimean nuclear plant.

So the linkage between the nuclear issues, environmental issues, and political issues is even more manifest.

I have to run on, and I am sure I have spoken too much even about these issues. On crime, I expect, which I was asked to talk about, it is hard to talk about with the lady sitting to my left here because she knows a lot more than I.

Just let me mention that they are publishing crime statistics for the first time since the twenties and thirties to the degree that we have never had before. They are setting up a new Department of Moral Statistics, which is its technical name. Moral, meaning, of course, immorality of behavior. Collecting data on crime, drugs and prostitution.

They are scheduling the publication of a statistical compendium this year on moral statistics, which we have never had before.

On the education side which is the last issue I was asked to address, we have had three reforms since about 1984. And the place is

still in turmoil. They still do not know quite what to do with it. In part, this will also be exacerbated by the nationality or republic issue—a plenum should be held this summer.

If they grant them the right to teach in their own language, they grant them much more local choice, local option this will create even more disarray.

And as a member of the board of directors of IREX, we have some problems in dealing with them in terms of who do we speak to at the new State Committee on Education? It is still not totally settled in, even though they have been re-organized about a year.

And I know it takes time and all that, in any new administration, any new organization, but it is taking much too long, which will hurt them in the long run.

Nonetheless there are questions about time devoted to Russian language training which will have to come out. About time devoted to dia-mat—to dialectical materialism, time devoted to pre-military training, especially if they cut back service in the military.

Will each republic make it's own decision? That, of course, will be very interesting to see.

Also, will they have to pay for training of people who were trained in other republics? Everything is supposed to be on cost accounting now. Where will this money come from?

Will they train in the narrow specialties versus the broad training, all the detail problems of working out an education system, but will it become then, maybe not the 5,000 education districts that we have in this country, or 10,000 or 100,000, whatever the number is in the United States?

In 15 republics, will they have major differences in the structure of education? This still is unclear.

Nonetheless, they are attempting to make changes, but I think they have a very long way to go in this and many other areas.

I think I will stop and leave it open to questions.

Chairman DeConcini. Mr. Feshbach, thank you very much for that quite thorough and very helpful report.

Before we turn to questioning from members of the Commission, I will yield to the distinguished Cochairman who set and achieved new heights as Chairman in the 100th Congress of the Helsinki Commission.

Mr. Hoyer?

STATEMENT OF COCHAIRMAN HOYER

Cochairman Hoyer. Thank you very much, Mr. Chairman. I want to apologize to our distinguished representatives, particularly Dr. Shelley and Dr. Simes whose testimony I missed entirely. At least I heard Dr. Feshbach's conclusions, his last two thirds.

Let me say that we very much appreciate the expertise that you are bringing to the Commission. I look forward to finishing your testimony.

I will have some questions, Mr. Chairman, at the appropriate time. But it is an exciting time for those of you in the academic community, those of us in the political community, for the world generally, as we see incredible things happening at a very rapid pace.

And I know it must be tough for you to keep up. It is certainly tough for us to keep up. We appreciate your trying to help us very much. Thank you very much. Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you, Cochairman Hoyer. I yield for any opening statement or comments that the distinguished Representative from Massachusetts Mr. Markey might care to make.

Congressman MARKEY. Not at this time, Mr. Chairman.

Chairman DECONCINI. OK. The distinguished member from Virginia, Mr. Wolf. Any opening statement?

Well, let me pose one question to you, Dr. Feshbach. It's hard to believe, and maybe it's common sense that the Russian people knew all of the problems of the social ills that you point out here, and that we see now reported in the press.

The crime rate, the poor public health, the prostitution, the drug addiction. And was it a Soviet citizen—were they unaware of some of this, or the dramaticness of it and the size of it, or were they just shocked to actually see it in print? What is the reaction of the Soviet people as best you can give us?

Dr. FESHBACH. I think many were aware of local dimensions of the problem, but not necessarily the national dimension.

The polyannish approach that everything is wonderful and fine was repeated frequently enough, but people saw that the reality was different and therefore they became much more cynical about it.

But I do not think they knew the extent, for example, of murder or suicide, or rape, or embezzlement that we are seeing now. But they certainly knew on the local level that there was plenty going on in Uzbekistan and Georgia, in the north as well as the south.

I do not think that was the problem. They certainly knew about questions of health delivery, about the problems in there, but again, they did not know, I think, the fact that, for example in the United States we performed 140,000 bypass heart surgeries—maybe 140,000 might be too many, but that's the current evaluation. But in the Soviet Union they perform 800.

Now, therefore, it means a question of the availability of a potential cure—let's say the numbers should be 80,000.

Chairman DECONCINI. And certainly—surely the Soviet citizens didn't know that kind of figure.

Dr. FESHBACH. They certainly did not. I don't think the physicians knew the number of 800. The 140,000 they certainly would have known through international meetings, and whatever the case may be. But they never revealed this there, except for certain people who would know it in the Ministry of Health.

But again, it is a point, it is a country of 11 time zones. And the question is the availability of services throughout the country.

We have CAT-scans in this country, even very expensive ones, at $1 million each, in Seattle, in San Diego, in Portland, Maine, and Portland, Oregon, et cetera, et cetera. Cincinnati, wherever—any place you want throughout the country.

If we have 4,800 and they have 62, it is the difference of availability of—what are the possibilities for treating a person who is very seriously ill.

And that is the limit—to push it, there are flexible and other ways of treating something, but at the same time the question is, what is available?.

I believe that they didn't know. Not unless they knew that there were plenty of problems—at the same time they were very proud of the safety net they had, too. And it was much better than it used to be. And that is also part of it.

Chairman DECONCINI. Dr. Simes, you point out some interesting things in your statement, and you know, that things are—the good news and maybe the bad news.

And yet the refuseniks and those that are coming out, particularly those that are practicing the Jewish religion tell us time and time again that now that the synagogues "are open," or the centers for learning, as they are termed sometimes, are opened, but in fact they're not.

They're open when you or I go there and someone wants to see them, they will take them to one and show them, but other times that they are not open. You know, surely the people realize that.

How do the Soviet officials seem to think they're going to get away with that, given glasnost and international coverage, and so many people there, that they are not complying even with this simple opening of some of these institutions that they say are open?

Dr. SIMES. Well, Mr. Chairman, the Soviet attitude of international law was demonstrated the other day by Foreign Minister Shevardnadze. I think his statement in Bonn, which is contemptuous of Soviet legal obligation, speaks for itself. I very much hope that they will understand consequences and reconsider.

Let me also say that the process of change in the Soviet Union is very incomplete. That there is a considerable ambivalence in their own minds how far they want to go.

Mr. Gorbachev is a very important statesman. I also think he is a great salesman. And very often they proceed with sweeping promises without proceeding with careful policy review first.

A promise comes first; the policy review comes second. We, for instance, have discovered that Mr. Gorbachev announced a reduction in their defense budget of 14.2 percent before they established what their defense budget actually is.

We know that Mr. Gorbachev made the commitment in New York last December to reduce their forces in Europe by a certain number before there was any discussion in the Soviet inter-agency process as to what they would start cutting.

They began making those decisions only under the pressure from people like you, the administration, Western media asking——

Chairman DECONCINI. Are you saying they make these statements and these policies without really the intent of carrying them out? If it so happens, it so happens. If it's convenient or it can be put into force, but there's really no plan on many of their reforms?

Dr. SIMES. I think very often you get statements which represent a declaration of intent. They know they want to move in that direction, I don't want to accuse them of complete insincerity—it would be unfair and wrong.

What I do think is that they make a sweeping generalization which is wonderful in terms of getting them wonderful coverage on

the front page. Then they see what happens and then they begin reviewing it.

But let me also say that the right hand in the Soviet Union very often does not know what the left hand is doing.

There is a considerable tension between different Soviet agencies, between different Soviet publications, and for that matter between different individuals on the Politburo or Central Committee Secretariat.

So sometimes what you are dealing with is not a purposeful deception, but simply bureaucratic confusion. And, as it often happens in Washington, people have their own games to play and they don't want to fight each other.

People at the Foreign Ministry told me on several occasions that they are very unhappy with the way the KGB and the Ministry of Internal Affairs, for instance, handles visas for people like us.

But then they would say, well of course Shevardnadze can fix it for you. But how many times? He has other priorities. He's not willing to go to the Politburo because of that.

Chairman DECONCINI. Thank you. Dr. Shelley, I have a number of questions I'd like to ask you, particularly on your upcoming trip, but due to time constraints I want to share the opportunity for the other members to participate here.

I yield to the Cochairman, Mr. Hoyer for any questions he may have.

Cochairman HOYER. Thank you very much, Mr. Chairman.

Dr. Shelley, I'd like to start with you, but I'd like to hear any observations of the other two as well on this issue. On May 25 or 26 this new Supreme Soviet will be elected, which as you point out, will be a body of 542 persons from the 2250 Congress.

It is going to be very interesting to see whether the Yeltsins, or other members of the so-called progressive wing of the Congress are elected.

I'd like your observations, sort of expand on what you said in your statement. Second, I'd like to hear from all of you, as to what your best estimates are as to when institutionalization, or adoption of statutes to carryout what are now reforms subject to the whim of the Politburo, or bureaucracy from day to day will occur.

This obviously is a pressing problem, particularly as it relates to the issue of Jackson-Vanik, which some of us perceive the next step that needs to be done is institutionalization, that is, the guarantee that there will be not a temporary change or lessening of restrictions, but in fact an institutional change, a systemic change.

Dr. SHELLEY. Complex question. The first, the rules, as I said, for the election—in my testimony, from the 2200 to the 540 are not clear. In fact I understand they're just finishing the draft of them as they go into this next week.

There's some indication that the drafting of legislation has been in the hands of some of the Liberals, which means that they may be working on procedures to ensure they may not be excluded from the smaller body that's really going to be the decision making. But at this point it's premature to say who is going to get on this 540.

There's been a discussion of a rotation of the larger body into this smaller body. And if that's so then it may not have the continuity to make the kind of legislative changes that should be.

And the question is, will, in any one year a significant coalition of the more independent minded individuals get onto this body.

And the exact composition of this body is going to be very influential in determining how much of this legislation that's going to come forth is institutionalized.

The time agenda on a lot of this legislation that you're asking about has been set back by these whole election procedures. And some of it isn't even planned for the next 2, 3 years.

Some of the fundamentals that are needed, for example, a new code of criminal procedure that would institutionalize some of these rights in the courtroom is only being drafted, but there's no plans to present it for a while.

And one might say that discussions that are going on have moved away from some of the more liberal provisions that were indicated, for example, the introduction of a jury system.

And none of the legislation seems to have been presented to the public for discussion as a package. There are some reformers who have an insight of how it should be done, but it's not been done yet.

So the problem with the legislative package, as I see it now, is that there is not a consistent system of checks and balances put into it.

So if this legislation is adopted piecemeal, you won't have this legal underpinning that you need for the legislation to stand on its own.

There are other problems. For example, look at the code of criminal procedure. The question is whether the individual is going to have access to counsel from the moment of arrest, or from the time that the criminal investigation is completed, which is as it stands now.

There are broader questions concerning the presumption of innocence, the system of checks over the Procuracy that many people feel are not sufficient.

The Procuracy is the main legal organ, but it's also the main check within the system. And there does not seem to be structural changes that are addressing this problem to provide more controls.

The new provisions on criminal legislation may appear within the next year. But how can they properly be implemented without the criminal procedure to go with it?

There's a law on freedom of conscience under discussion. There are several drafts that are circulating. The one that's more liberal does not seem to be making the headway as the more conservative one that is proceeding through the Council of Ministers.

The jury is still out on what is going to happen. You need a focus at this point, the adoption of an agenda. And the agenda that was first adopted 3 years ago is very piecemeal—it contains some legislation on economics, some discussion on criminal law reform. But nothing that deals with the whole range of freedoms, for example, the passport system, the system of immigration and so forth.

Dr. FESHBACH. Just to confirm the question of the difficulty of institutionalization that you addressed, Mr. Hoyer. A leading Scandinavian legal scholar told me earlier this month that there's no cadre, no staff, that really knows how to write legislation.

He virtually goes in and advises them how to do it. I mean, not necessarily the content, but the very complex issues. And I do not

have to say that to you in this building, obviously, about—and I'm sure as a civilian from outside I do not even appreciate how complex it is to write good legislation.

I mean, I am talking about, again, whether you agree with it or disagree, but a good piece of technical legislation. And he says they just do not have the tradition of it. Again, to point up what we brought up earlier.

But in addition there is, of course, a point in time here during which I really think we have to wait a little bit to see the impact on Gorbachev and the Soviet leadership of what's happening in Beijing right now.

I mean, this is just an incredible event there now, and I think it is going to have a ripple effect throughout the entire East. In this case, it is now West relative to Beijing, but it is, I think, a very dramatic event, and widespread.

And I think it may well lead to much more, many more changes than we expect, even at this moment.

Cochairman HOYER. Thank you, Mr. Chairman. In consideration of time I'll wait until the next round, if there is one.

Chairman DECONCINI. I yield now to the distinguished Senator from Idaho, Mr. McClure.

Senator MCCLURE. Thank you very much, Mr. Chairman. I'm puzzled by where to start, when we have so much to cover in the limited time we have.

Dr. Simes, you noted a moment ago that some people are drawing conclusions from the fact that Gorbachev is a lawyer, and you pointed out that the law training they had was fundamentally different than ours.

We tend to look at people in the frame of reference of our own experience, without looking at their frame of reference. And that misleads us sometimes into conclusions which are not really valid.

I read an article very recently suggesting that Mr. Gorbachev is really a closet Christian. I think the "evidence" was supposedly that he can quote some passages from the Bible, which I thought was a rather bizarre definition of Christianity, and rather weak evidence of this alleged Christianity.

Do you believe he's a closet Christian?

Dr. SIMES. Well, I'm not aware of any evidence that would suggest that he's anything but a Liberal, civilized Marxist-Leninist in search of a definition of what Liberal Marxist-Leninism should be.

I suspect that if you ask him what exactly his system of belief is, it would be easier for him to give you a label, but it would be very difficult for him to give you a specific answer.

I want only to say, and that is not to criticize Mr. Gorbachev, but to make an observation. This man is a product of the Soviet party system. He was promoted by people like Mikhail Suslov, by people like Konstantin Chernenko, by people like Leonid Brezhnev and certainly Yuri Andropov.

If he was not on good terms with the KGB, if he was not perceived as an ideologist, if he ever betrayed his liberal, broad-minded side, he, of course, would not be there today.

Now, I'm sure that he changes his views on many issues. I am also sure that he is a man of incredible discipline and that he knows how to hide some of his feelings.

But I am also convinced, that like many serious statesmen, he has a ruthless side to him, and this ruthless side is quite important in his dealing with those whose agenda differs from his, Christians or not Christians.

Senator McCLURE. You address something which has been puzzling to me, because we're looking at evidence. And I think, Dr. Shelley, you mentioned that as well.

We look at actions, and we try to interpret what those actions mean. We're very sure of what those actions were, but we're not so sure of what they mean.

This is also true of my own observations having visited the Soviet Union twice, once under Brezhnev, once under Gorbachev. I saw changes. I'm not sure that I know what those changes mean.

But one of the things that puzzles me and puzzles many Americans, I believe, is the question, is it reversible? Could we se a return to the old system? As I recall, the Soviet Union has had a very repressive regime for well over 50 years. Is that correct?

Dr. SIMES. Fifty? I would say that the Soviet Union had a very repressive regime for 72 years.

Senator McCLURE. All right. As a matter of fact some would say it was a repressive regime before the Soviets took over.

Dr. SIMES. Absolutely.

Senator McCLURE. So there's a history of repressive government in the Soviet Union. I also remember that many, many Soviet citizens lost their lives under the Stalin regime. Is that correct?

Dr. SIMES. At least as many as were lost during World War II. At least 20 million people, according to current Soviet estimates.

Senator McCLURE. At least 20 million people died at the hands of their own Government?

Dr. SIMES. That's correct.

Senator McCLURE. Now, with that history of repression, and that history of tolerance for repression, isn't it conceivable that a regime could reimpose the same kind of authoritarian repressive regime of the 1930's?

Dr. SIMES. Absolutely, Senator. The key, of course, is when you say "authoritarian repressive regime." What I was trying to do was to make maybe a somewhat academic distinction between a totalitarian regime based on political controls, and ideology. And quite possibly, a more traditional authoritarian regime which relies on tanks, bayonets, and special squads. For the citizens who are harassed, this distinction may be academic.

In terms of the ability to sustain this regime in the long run, this distinction is important, in my view.

Senator McCLURE. I notice some reaction over here at the other end of the table.

Dr. SHELLEY. Yes. There was a very interesting survey that was published about a month ago in one of the leading newspapers just on this question. Where 10,000 Soviet citizens were asked what do you perceive will happen, and can the Soviet Union return to that period of repression?

Only 10 percent of them thought that it was possible to return to the level of Stalinist repression. And to have that level of repression you have to have complicity, or overt cooperation of many citizens. That few thought this was possible is revealing.

Only 35 percent thought that the reforms would really take hold. About 35 percent thought that the situation would stay as it is. And about 35 percent had a more negative assessment.

Senator McCLURE. Dr. Feshbach?

Dr. FESHBACH. To go back to the level of terror that they had under Stalin, I do not think that's possible again. I think there is a much different population—has specifically addressed the issue.

I think that knowledge is much greater now than it used to be of the world. That many more of them have traveled. That many more of them, I think, have an investment in certainly a basic level of change, if not a full level that we would want them to have.

I think Pandora is out, and at least a leg, an arm, and maybe a little more will stay out. It can't go back in the box. Sure they can change, they can go back to being much more difficult. Certainly the immigration issue, one could just turn that off, if you wish. I hope not, I hope its the opposite direction.

There are many things they could do to repress the population. But the entire direction is the opposite. And I think that the young people are very impressive and very different from their elders. I am not sure that there would not be internal events if they tried to go all the way back.

Senator McCLURE. Well, you're much more optimistic than I. I've seen how people react under repression and how they tend to assimilate to the current conditions. And particularly in a society like their's that for centuries has had authoritarian and totalitarian governments, and total lack of freedom, certainly in the terms that we know it.

So I'm not as optimistic as you, but I recognize you know a great deal more about it than I do. And I listen to your comments with great interest.

Dr. Shelley, if I understood you correctly, you think that the form of the laws that may be passed become important. And if that's true, why hasn't the form of their law in the past been of importance? Because if you read the documents that in thiory guarantee human freedom in their society, those documents read well. The practice doesn't read so well.

Dr. SHELLEY. I think one of the things one should expect out of these reforms that are proceeding now, is that they are probably not going to provide as much as the documents that came out of the Brezhnev period. Because those documents offered more than can be delivered.

And therefore one should not be so optimistic in seeing such offers of rights, because there's a feeling now that what is going to be instituted should be more realistic.

I was not saying so much about the form of the law, my intent was not that. But one needs mechanisms that will help institute the laws that are passed. And there's much discussion of that. One has to see what is going on there.

But what is very interesting and what has emerged without the implementation of new legislation, is a changing relationship between the party and the legal apparatus. Not dramatic changes yet, but there are already noticeable changes.

There are many more cases that are dropped before they go to trial because the presumption of innocence has been increased, and there is less party pressure to produce convictions.

The acquittal——

Senator MCCLURE. Now, that's policy, though. That isn't—that isn't legal structure.

Dr. SHELLEY. No, that's not legal structure. And legal structure——

Senator MCCLURE. And couldn't they change that overnight if they wished to?

Dr. SHELLEY. I think I made that point in the testimony, that legal structure has not yet been institutionalized. What you're having is certain changes. Institutionalization will be achieved if some of the planned changes are implemented, and even broader ones concerning structure are instituted, and if the law does not promise more than it can deliver.

Senator MCCLURE. This question of promising more than they can deliver, Dr. Simes, I understood you to say that in some instances they promised more than they could deliver because the left hand didn't know what the right hand was doing. Or to put it in another way, the left hand couldn't do what the right mouth was saying.

And you attributed that to confusion and lack of planning or coordination, rather than an overt intent on their part to mislead.

I think of Gorbachev's pledge to remove tanks and troops from Eastern Europe. I look at the reality of what has occurred, and very, very few tanks have left Eastern Europe. In fact, the rate of production of tanks has gone up dramatically, even though they already outproduced us by many times over.

The action doesn't seem to conform to the words, or the spirit of the words. I see them pledging to remove short range nuclear weapons from Eastern Europe, and yet the reality is, that even with those numbers they have four times what we have.

I see them saying to us, don't modernize your short-range nuclear weapons. But the truth of the matter is they just completed their modernization. That's exactly what they've always done; they modernize their forces, then turn around and tell us not to do the same thing.

I see them taking great credit for having stopped three uranium producing plants while they still have 10 operating. And we have in this country none. As a matter of fact, I see them taking credit for reducing nuclear warheads in Eastern Europe, when NATO completed a much larger unilateral reduction in nuclear warheads in Europe.

So I don't quite see why you see that as confusion rather than, perhaps,part of a plan.

Dr. SIMES. Senator, I tried to mention two factors behind this gap between rhetoric and action. And I started by talking about Mr. Shevardnadze's statement in Bonn, where he essentially was saying that regarding their legal treaty obligation to dismantle SS-23 missiles, that somehow it was up to them, whether or not, to deliver, on their legal commitment. That certainly is deliberate.

I could give you a long list of other inconsistencies. Such as, for instance, when the General Secretary talks about democratic elec-

tions, and yet he himself runs on the list of 100 Central Committee candidates who are elected by the Central Committee plenum and the ballot is uncontested. Surely you cannot explain things like that by confusion.

What I was trying to say, however, that in addition to these deliberate decisions there is a great deal of confusion. There is a great deal of confusion which is inevitable in any huge bureaucracy, and the Soviet bureaucratic state, in terms of size and disorganization, is second to none. But in addition they're going through a period of transition.

When Professor Shelley was talking about legal reform I was thinking also about the people who have to implement this reform.

On the one hand you have the General Secretary, who wants to see a more civilized, liberal and tolerant Soviet Union, yet, the man who chairs the political and legal reform commission on the Central Committee is Victor Chebrikov, former KGB chairman who clearly one of the Conservatives.

The Institute of State and Law which advised the Government on the draft legislation includes a wonderful Soviet lawyer, Alexander Yakovlev who recently was elected to this Congress of People's Deputies.

He is a Liberal, he is a reformer, and he criticized the repressive April 8 legislation which allows people to be imprisoned for "discrediting the state, or individual officials."

But Mr. Yakoviev's boss is academician Kudryavtsev who only several years ago published a—

Ambassador SCHIFTER. He's retired.

Dr. SIMES. When?

Ambassador SCHIFTER. Last week.

Dr. SIMES. That is very good news.

[Laughter.]

But till last week he was there. He's still the vice president of the Academy, and he very recently was published in—Izvestiya saying that there are two kinds of human rights, Socialist rights and bourgeoisie rights.

Well, you appreciate that with this transition in personnel, inconsistency is practically inevitable.

Senator MCCLURE. Dr. Simes, I understand that answer. I, like many others, want to believe that the Soviet Union tomorrow will be like us. Just as confused and just as disjointed and unorganized as we are.

Senator Heinz, a moment ago, suggested that we could do both them and us a great service. We'll send them all our lawyers and all our congressional staff, and we'll serve both countries better.

[Laughter.]

But I didn't make that suggestion seriously.

Cochairman HOYER. Some of us resent that.

Senator MCCLURE. Because you're a lawyer——

Cochairman HOYER. Right.

Senator MCCLURE [continuing.] or because you're staff?

Cochairman HOYER. Well, either one.

[Laughter.]

Senator MCCLURE. Thank you very much.

Chairman DECONCINI. Thank you, Senator McClure.

The Chair will yield now to the ranking member on the House side, the distinguished member Mr. Ritter.

The Senate is in the process of voting. We will return and I'll ask the Cochairman to lead the meeting until I get back. Thank you.

Mr. Ritter?

Congressman RITTER. Thank you, Mr. Chairman.

[Pause.]

Senator HEINZ. Mr. Chairman, I've been made an offer I can't refuse, by my friend and colleague from Pennsylvania, to ask one quick question, which means that's a good way to get rid of me.

The Chairman and I, Chairman DeConcini and I have introduced legislation that creates a voluntary code of conduct for American firms that want to engage in joint ventures, in effect, in the Soviet Union. These were suggested by Mr. Slepak, whose name is quite familiar to you.

And the idea is that we urge, but we do not require American businesses in the Soviet Union to avoid the use of forced labor in any form. Not to allow ethnic, religious, or political identity, or activities of Soviet employees to effect their employment. Not to use structures that were churches or synagogues as places of businesses. Maintain safe environments for workers, use environmentally sound methods, seek out Soviet private cooperatives as partners wherever possible.

As I say, these are not mandates, they are principles. They are not unlike, in concept, the Sullivan Principles that were used quite successfully for some time as the basis for American firms doing business in South Africa.

My question to you is really two-fold. First, can these be useful in encouraging change in the Soviet Union in the directions in which these are aimed?

And second, what's the downside as you see them?

Dr. Simes, do you want to take a quick answer to my quick question?

Dr. SIMES. I will give you a very quick answer.

In my view it is entirely constructive. I often am called by business executives interested in trading with the Soviet Union, and they ask for information and advice. And I find that quite a few of them are genuinely interested in doing something that is right. But they want a list of criteria.

And an attempt to provide them with such criteria, in my view, is entirely constructive. I don't see that it is provocative.

I don't see how it would offend somebody in the Soviet Union. Because really, it fits very well into their own announcements. I am not aware of any down side whatsoever.

Senator HEINZ. Dr. Shelley?

Dr. SHELLEY. I wanted to comment that the Soros Foundation, which has come in as an outside group into Moscow and has established operations is having a very positive effect working within the Soviet system.

And I think that businesses, if given guidance, can be a positive force as well. I think they can often have an influence disproportionate to their presence in this situation.

Senator HEINZ. Dr. Feshbach?

Dr. FESHBACH. I really would like to see the precise listing of what is included under that—I mean, the basic principles I am in favor of, obviously. But I would be concerned if it is used as a device to prevent East-West trade.

Senator HEINZ. No, that is not, that is not the——

Dr. FESHBACH. But it is being interpreted that way by some people. And until I see the precise contents for myself. I will also stipulate that I am a consultant for joint ventures, and others.

So I want to be very careful how I respond and that it is not interpreted in the wrong way.

Senator HEINZ. We don't want to hurt your business, but——

Dr. FESHBACH. No, no, no. Come on [laughter] I need much—of that anyway. But the point is I need to see precisely what the words are.

Senator HEINZ. That's very reasonable.

Dr. FESHBACH. I'll be happy to comment afterwards.

Senator HEINZ. Thank you very much. Mr. Chairman, I must go and vote. I thank our witnesses for much shorter answers than my questions.

Cochairman HOYER. Thank you, Senator.

Mr. Ritter?

Congressman RITTER. I want to thank the Senator from Pennsylvania for taking an amount of time on a question and answer which was decidedly unsenatorial, but welcome, since waiting around here for a while.

Before I go into my question, I'd like to ask, Mr. Chairman that at the end of the questions that several things be inserted into the Congressional Record.

One is the April 14 Pravda article that followed up on the front page Pravda story on the new articles 7 and 11, which is a threatening article seeking to show to the Soviet citizenry that these new laws do mean business, and threatens, directly, the existence of the democratic union, the Leningrad Democratic union.

I would also like to place in the record the May 7 Ukrainian Weekly editorial on these new laws, which contains several statements of activists in the human right field in the Soviet Union about the meaning of these new laws.

Dr. Simes, you stated that you felt that the changes in legal structure are institutionalized, and I agree with you. But any reading of these new laws, and the outcome—and the actual content of these new laws has to be disappointing, does it not, to those of us, and to Soviet human rights activists who are shocked?

Shocked I think is the way to put the response of the statements of the human rights activists that I've been reading. Do you want to comment on that?

Dr. SIMES. Well, as Dr. Shelley said, at best you can describe changes in the law as two steps forward, one step backward.

But as she also said, even that may be too optimistic. I would say that if you look at the language of the law it probably is more like two steps backward, one step forward.

Having said that, however, I would like to acknowledge that some changes are terribly important. For instance, for the first time they have contested elections. That is very important.

It is very important because they're getting a legislature which for the first time in Soviet history will have some meaning, and which can address the imperfections of all these disappointing laws.

For example, Academician Roald Sagdayev was in town recently and said on the record, to a variety of audiences that one of the first things he is going to do in the new legislature is something about this terrible April 8 law.

Congressman RITTER. Incidentally, could I just address the date of April 8. On April 8, Gorbachev returned from some 10 days in England.

Is it not strange that on the same day, after being out of the country for 10 days, Gorbachev is presented with the—probably the severest new laws in decades, in terms of new additions to the Soviet Criminal Code?

Does anybody find any kind of potential for substantial conflict within the Politburo? Within the Central Committee? After all, the expectation of these laws was not near as severe as their outcome.

Could it be? If you look at Pravda, Pravda published the new laws on the first page, Izvestiya published them on the third page.

Pravda had this damning story in the April 14 issue—some other newspapers criticized. But of course, Pravda is the organ of the Soviet Union. And could we be witnessing, presently, the beginnings of a major struggle over the life and times of the Communist Party in the Soviet Union as evidenced in these events of April?

Ambassador SCHIFTER. Well——

Congressman RITTER. Dr. Shelley, you might want to address that.

Dr. SHELLEY. I'd say that these laws that you're referring to are evidence of the influence that Chebrikov is having over the legal process.

When I was there in January and February and we inquired of different people of whether they saw the influence of Chebrikov who has been allied with the Conservatives on the legal process, nobody came up with any indications of it as yet.

Some of the more visible Liberals said that the legal process look good so far. There does not seem to be his staff on the new legislator. And then come these changes in the law that nobody had expected, which closely followed the developments in Georgia where brute force was used against peaceful demonstrators.

Congressman RITTER. That, by the way, also occurred on April 8. The same day that Gorbachev returned from 10 days in England, there was brutal suppression of the demonstrations in Soviet Georgia, and Gorbachev signed on to these laws.

These laws were presented to him, I guess, by the Presidium, and they are part and parcel, they are institutional, subject, of course to amendment, if such is the possibility in the new Soviet—Supreme Soviet where people like Sagdeyev sit. But, I'm sorry——

Dr. SHELLEY. But it's very interesting—I mean, this seems to me very much a Chebrikov mark on the legislative process. It's also significant that they came out last month. They are a last gasp before legislation has to go through the new more liberal Supreme Soviet.

So it was a chance for the Conservatives to put their mark on the legislation. And once it's there in place it is much harder to derail.Because now it will go through what is going to be a much more contentious legislative process.

Because even if the Liberals only assume say 20 percent, or it even—it may at best guess 30 percent of this new Supreme Soviet, it's not going to be so peaceful.

Even if there are 10 percent something like this would not get through without some discussion, some opposition. And it would not just appear on one day, as you say when Gorbachev returned——

Congressman RITTER. It's interesting that it happened prior to the new Supreme Soviet coming on board. So this is a real outgrowth of the old guard, one would have to conclude.

But I think—is there any doubt that these legal foundations, these blocks are such that glasnost and perestroika is legally quite reversible?

I mean, we have anti-Soviet slander back in a different uniform. We have up to 10 years prison term if you work with an outside organization to—not overthrow the Soviet States.

Something in article—I think it was article 7. We expected an article on the overthrow of the Soviet State. We did not expect language that said—calls for the overthrow or change of the Soviet State.

And if it's in contradiction to the Constitution, but the idea of it being in contradiction to the Constitution is that the Soviet State is a one-party state. So calls in contradiction to the Constitution for change in the Soviet State are the kind of things that are going on daily in the Baltic States, going on daily in the various aspects of the Democratic Union movement, or other popular front organizations such as the Ukrainian organizations.

And I do not take this lightly at all. And I think we in this country have really sluffed over this. It seems that the foundations of perestroika and glasnost may be based on a foundation of sand.

Dr. Feshbach?

Dr. FESHBACH. The only thing is, Congressman, the rest of the sentence—apply nothing that's contrary to the Constitution.

Congressman RITTER. Yes.

Dr. FESHBACH. And it seems to me that the Constitution of '77 doesn't prohibit the—behavior patterns that are legal. I mean, if you have a conspiracy——

Congressman RITTER. No, no, I understand. I understand.

Dr. FESHBACH.[continuing]. that's one thing. But I mean, Louise would know much better than I, so I want to be very careful.

But it seems to me that this is now——

Congressman RITTER. But the Constitution still calls for a one-party Soviet State, and all these unofficial organizations that begin to deal in the idea of other competitors to the Communist Party can now come under article 7 if they work with an outside organization, that is, the Helsinki Commission. And we've been doing this. We were over there dealing with quite a few activists.

These activists, by the way, have been criticized in Vyechevni Leningrad, which is also reflecting this Pravda position in severe denunciations of the Democratic Union. But they were criticized

for having met with Members of Congress and having agreed to exchange information with Members of Congress.

I think we are on the verge of something and I'm not sure we're picking it up, is I guess, my point.

One last comment if you wish, and then I'd like to yield back.

Dr. SHELLEY. I just want to add that there seems to be no discussion yet of changing the constitutional provision, giving the leading role to the party.

There is some discussion of whether that leading role of the party can be shared with other parties. Some legal officials say that constitutional provision can be interpreted in that way.

The Conservatives in the Procuracy that are investigating the Democratic Union under article 70, say that it doesn't apply. They say you can only have a one-party state with that provision of the Constitution.

Congressman RITTER. Yes.

Dr. SHELLEY. So there are very different interpretations of the Constitution. This is some of the problem of this legislation. It is still very vague and they do not have consistency in interpreting their Constitution.

There is no constitutional supervisory committee. There is no constitutional court that will determine how the Constitution should be interpreted. That's something that is being discussed, but has not yet materialized.

Congressman RITTER. Thank you very much. Thank you, Mr. Chairman

Cochairman HOYER. Ambassador Schifter?

Ambassador SCHIFTER. Mr. Chairman, I would like to say, first of all, that I was very much impressed by the testimony of all three witnesses.

In regard to a question posed earlier as to where we now stand, I'll comment on what I found out in the Soviet Union just a week ago.

First of all, the Congress of People's Deputies has formed an organizing committee consisting of 450 persons. I'm not sure—with your experience—whether you think 450 is a good figure to try to organize the future of the Supreme Soviet, but at least this is a good first step that it has gotten down from 2,250.

Cochairman HOYER. I would be very suspicious if the 450 would think that they were the Supreme Soviet.

[Laughter.]

If it were that exact number.

Ambassador SCHIFTER. The way they handled it, incidentally, was that each of the constituent groups would select 20 percent of their number. That's a committee of 450. They're now thinking of electing a Supreme Soviet on a 5-year staggered term basis. They haven't figured out yet how they are going to determine who will serve 1 year, 2 years, 3 years, 4 years, 5 years.

But the intention is, I gather, to do some rotating. In other words, some people would serve 5 years, but the ones that would be serving 1 year will be replaced by others on the completion of the first year, and there will be both continuity and rotation.

On the immigration law, which you asked about, the document as I understand it has been drafted. I was told what's in it. They

plan to submit the draft to the Supreme Soviet once it is organized. Then it's up to the Supreme Soviet as to when it's going to be taken up and in what manner it's going to be taken up.

Cochairman HOYER. We're just about at the 2-hour mark. And I suppose now is as a good a time to conclude.

Mr. Ritter, did you want to ask any additional questions?

Congressman RITTER. No, Mr. Chairman, I do not.

Cochairman HOYER. You do not?

Congressman RITTER. I thank you for the opportunity.

Cochairman HOYER. I think this has been a very excellent session and I want to thank all three of you.

As I said when I came in, I apologize for my lateness. We are trying to get a dire supplemental appropriation bill moving in the House and we had a vote just at the time we were starting this hearing. And——

Congressman RITTER. Mr. Chairman, if I may just interrupt. I would like to introduce, in addition to the Ukrainian Weekly editorial and the April 14 Pravda article, I would like to introduce the FIBIS translation of the decrees which we've been discussing in the course of these hearings.

Cochairman HOYER. Without objection, they'll be included.

Congressman RITTER. Thank you, Mr. Chairman.

Cochairman HOYER. As I stated at the outset, we are obviously seeing very rapid change. Whether the change is more talked about than real, or in fact institutionalized and becoming real remains to be seen.

It is important, therefore, that this Commission, Congress, and the executives stay as abreast as possible to the changes. We can only do so, really, through the expertise of persons like yourselves.

I think this has been an excellent hearing and I would think perhaps we could do this on a more regular basis. Not just yourselves, but we hear from others as well.

I recall the hearing we had 2 years ago, it may have been in 1985, but I think it was in 1986, Marshall Goldman and our former Ambassador to the Soviet Union gave Mr. Gorbachev I believe 2 years, maybe 3.

Mr. Gorbachev may or may not be more resilient than they postulated at that point in time, but we hear rumors about near misses. In any event, Dr. Feshbach, you mentioned the China trip, which is going on now, which may very well have reverberations not only in China but in East-West relations as well.

So we will continue, I think, this dialogue. Not just a single hearing, but a dialogue. And we thank each one of you who are clearly some of the most prestigious experts we have in this country on these issues.

So we thank you very much. This hearing is adjourned.

[Whereupon, the hearing was concluded at 4:30 p.m.]

APPENDIX

17 MAY 1989

SENATOR ALFONSE D'AMATO

OPENING STATEMENT

CSCE HEARING ON

A CHANGING SOVIET SOCIETY

MR. CHAIRMAN:

I WANT TO COMMEND YOU AND OUR DISTINGUISHED CO-CHAIRMAN FOR SCHEDULING A HEARING ON THIS IMPORTANT TOPIC. IN LIGHT OF SECRETARY BAKER'S RECENT VISIT TO MOSCOW AND THE MAJOR SPEECH BY PRESIDENT BUSH ON U.S. - SOVIET RELATIONS, TODAY'S HEARING COULD NOT BE MORE TIMELY.

DOCTORS FESHBACH, SIMES, AND SHELLEY ARE SUPERBLY QUALIFIED TO CAST LIGHT ON THIS MOST INTERESTING OF TOPICS. AS USUAL, THERE IS MUCH PUBLIC DISCUSSION OF WHAT IS HAPPENING IN THE SOVIET UNION, BUT LITTLE ASSEMBLED AND ANALYZED INFORMATION.

WE NOW APPEAR TO BE IN A POSITION IN WHICH THERE IS A MAJOR EFFORT FOR CHANGE UNDERWAY WITHIN THE SOVIET UNION. THE DEGREE OF SUCCESS OF THIS EFFORT AND ITS PROSPECTS FOR THE FUTURE ARE HOTLY DEBATED.

THE CONCLUSION OF THIS DEBATE MEANS A GREAT DEAL TO THE FUTURE OF THE ENTIRE WORLD. OUR POLICY DECISIONS AND THE POLICY DECISIONS MADE BY OUR ALLIES WILL BE DIRECTLY AFFECTED BY IT. AS A RESULT, OUR NATIONAL SECURITY AND THE FUTURE OF

SENATOR ALFONSE D'AMATO
17 MAY 1989

THE FREE WORLD WILL BE PARTLY DETERMINED BY DECISIONS UNDER CONSIDERATION BASED UPON OUR VIEWS OF THE SOVIET UNION.

HAVING REVIEWED THE PREPARED TESTIMONY OF OUR WITNESSES, I AM FORCED TO CONCLUDE THAT SECRETARY CHENEY'S VIEW OF THE SOVIET UNION AND OF MR. GORBACHEV'S PROSPECTS IS PROBABLY CLOSER TO THE TRUTH THAN MORE OPTIMISTIC VIEWS EXPRESSED BY OTHERS. THERE IS MUCH TALK OF PERESTROIKA, BUT NOT ENOUGH SUCCESS.

IN SOVIET POLITICS AS IN AMERICAN POLITICS, POCKETBOOK ISSUES WILL HAVE GREAT IMPACT. CLEARLY, CHANGE IS NOT YET HAVING A POSITIVE EFFECT ON SOVIET CITIZENS' POCKETBOOKS. THE QUESTION IS WHAT OPPOSITION IS THERE AND CAN IT EXPLOIT THIS PROBLEM OF RAISED EXPECTATIONS FOLLOWED BY DISAPPOINTING PERFORMANCE.

WHILE IT IS CLEARLY IN OUR INTEREST TO HAVE REFORM MOVE AHEAD IN THE SOVIET UNION, THERE IS MUCH QUESTION AS TO WHAT WE CAN AND SHOULD DO TO HELP. I AM VERY CAUTIOUS IN THIS REGARD AND BELIEVE THAT THE UNITED STATES AND THE WEST SHOULD NOT RUSH INTO AN EMBRACE OF THE "NEW" SOVIET UNION.

MOREOVER, SOVIET HUMAN RIGHTS PERFORMANCE, WHILE IMPROVED, STILL HAS ITS BLACK SPOTS. THE MOST RECENT OUTRAGE

SENATOR ALFONSE D'AMATO
17 MAY 1989

WAS THE VIOLENT SUPPRESSION OF THE NATIONALIST DEMONSTRATIONS IN SOVIET GEORGIA.

POLITICAL PRISONERS REMAIN A PROBLEM. THE CRIMINAL CODE REVISION HAS PRODUCED NEW PROBLEMS, RATHER THAN SOLVING OLD ONES.

EMIGRATION, WHILE MUCH IMPROVED IN NUMBERS, IS NOT YET FREE. THE PRESIDENT'S DISCUSSION OF THE POSSIBILITY OF WAIVING JACKSON-VANIK FOCUSES OUR ATTENTION ON THIS ISSUE. CODIFICATION OF REFORMS IN THIS AREA IS CERTAINLY A MAJOR STEP IN THE RIGHT DIRECTION -- BUT EVEN WHEN -- OR SHOULD I SAY "IF?" -- THIS CODIFICATION TAKES PLACE, THE UNDERLYING SOVIET LEGAL SYSTEM LEAVES MUCH TO BE DESIRED.

THE MAJOR QUESTION FACING U.S. POLICY MAKERS IS "WHAT DO WE DO IF GORBACHEV FAILS AND IS REPLACED WITH A HARD LINER?" WE MUST NOT BE CAUGHT BY SURPRISE IF THIS HAPPENS, AS WE APPEAR TO HAVE BEEN WHEN GORBACHEV CAME TO POWER.

I LOOK FORWARD TO HEARING TODAY'S WITNESSES SPEAK ON THE VARIETY OF ISSUES WE MUST CONSIDER WHEN JUDGING THE SCOPE AND PROGRESS OF CHANGE IN SOVIET SOCIETY, AND EVALUATING WHAT THAT CHANGE MEANS TO US AND TO THE WEST.

THANK YOU.

Grigoryants on Soviet legal reforms

Following is a reaction by rights activist Sergei Grigoryants of Moscow, editor of Glasnost magazine, to the decree of the Presidium of the USSR Supreme Soviet on new laws covering crimes against the state. The comments, made in a telephone conversation on April 13, were released in English translation by the Human Rights Commission of the World Congress of Free Ukrainians.

We still don't know how this law will be applied... but it is in the same spirit of anti-democratic laws which were published in October. The laws on demonstrations and on the use of internal military forces which are allowed to conduct searches without formal permission of the procurator; the law which allows shooting of women and children.

...I believe the law will be applied selectively, at the whim of the government. This new decree parallels some of Stalin's most Draconian laws. No one after Stalin has ever enacted such monstrous laws.

...I believe it is an obvious violation of the Vienna Final Document, violation of the right of freedom of speech, freedom of the press, freedom to express personal views about officials and institutions. There is a very sharp and obvious worsening of the situation in the Soviet Union. Unfortunately, people in the West don't see it yet.

...One does not have to be very astute to see that the law which replaces Article 190(1) is far worse, although Article 190(1) was reprehensible not so much because of its legal formulation but in its practice and application... Under the new article, punishment is prescribed for criticism of any Soviet official, any person elected to any position, not to mention any Soviet institution. The meaning of this law is that even if one has good reason to call a secretary of the city council a villain, one has committed a crime against the state, one has offended an employee of the state, one has discredited a state organization... This is such a fantastic law and so unbelievable, the entire population of the Soviet Union can be arrested, starting with Gorbachev and ending with a caretaker. Everyone in the Soviet Union has something against a government organization or an employee of it, and now that is a crime against the state.

...As a matter of fact this law was applied immediately upon publication. I had a call yesterday [April 12] from a Jewish group. They were going to have a meeting for which permission was given and later withdrawn, upon publication of the law, because one of the four agenda items was to condemn the activities of the anti-Zionist committee. The meeting was forbidden because people have no right to discredit a government organization. Now you cannot say anything even against a kindergarten if the teachers are bad. This also is a government organization.

THE Ukrainian Weekly

Soviet legal reforms

On April 11, the Soviet press published the decree of the Presidium of the Supreme Soviet on amendments to the law "on criminal liability for state crimes." This was the much-awaited legal reform that Soviet officials have promised for nearly two years, the new laws that were supposed to conform with democratic principles.

Bohdan Horyn of the Ukrainian Helsinki Union described the new laws as "a total reversal to anti-democratic methods in our political and social life." This decree, he said, is not the first "reactionary law" instituted during the Gorbachev regime; it was preceeded by a decree on meetings and demonstrations, and an anti-democratic law on elections. The West, he said, has swallowed the Soviets' so-called democratization and thus gives its "tacit approval to such anti-democratic measures."

Let's take a look at the laws themselves.

Article 7, states that "Public calls for the overthrow of the Soviet state and social system," or for its change by methods contrary to the USSR Constitution, or for obstructing the execution of Soviet laws for the purpose of undermining the USSR political and economic system, and equally the preparation for purposes of dissemination or the actual dissemination of material containing such calls" are punishable by deprivation of freedom for up to three years or a fine of 2,000 rubles; when commented repeatedly by an organized group or via technical means designed for large print runs, the penalty is up to seven years' deprivation of freedom or a fine of up to 5,000 rubles; when such acts are committed on instructions from abroad, or involve the use of assets or technical means received from abroad, the punishment is even more severe: deprivation of freedom for between three and 10 years.

Previously, Soviet law, as provided in Article 70 of the Russian SFSR Criminal Code, stated: "Agitation or propaganda carried on for the purpose of subverting or weakening the Soviet regime or of committing particular, especially dangerous crimes against the state, or the circulation for the same purpose of slanderous fabrications which defame the Soviet state and social system, or the circulation or preparation or keeping, for the same purpose, of literature of such content shall be punished by deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." For repeat offenders, or for crimes committed during wartime, the punishment was deprivation of freedom for three to 10 years, with or without additional exile for two to five years.

The law that replaces the previous anti-Soviet slander provisions covers "The public insulting or defamation of the USSR supreme organs of state power and government, other state organs constituted or elected by the USSR Supreme Soviet, or officials appointed, elected or approved in office by the USSR Congress of People's Deputies or the USSR Supreme Soviet, of public organizations and their all-union organs constituted according to law and acting in conformity with the USSR Constitution" and provides that this be punishable by deprivation of freedom for up to three years or a fine of up to 2,000 rubles.

The earlier law on slander covered "The systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system and, likewise, the preparation or circulation in written, printed or any other form of works of such content" and stipulated that the punishment was deprivation of freedom for a term not exceeding three years, or by corrective tasks for a term not exceeding one year, or by a fine not exceeding 100 rubles.

A new law covering "deliberate actions aimed at inciting national or racial enmity or dissension, degrading national honor and dignity, and any direct or indirect restriction on the rights or establishment of direct or indirect privileges for citizens depending on their race or nationality" provides punishment of three years' deprivation of freedom or a fine of up to 2,000 rubles; when these acts are combined with violence, fraud or threats, or when committed by officials — up to five years, or up to a 5,000 ruble fine; when committed by a group, or when involving loss of human life, or other grave consequences — up to 10 years' deprivation of freedom.

A careful reading of the old and new laws reveals that, yes, the law on "overthrow of the Soviet state and social system" tightens up the previous broadly worded and widely applied law on "anti-Soviet agitation and propaganda." However, the law's stipulation that this crime, when committed by an organized group or via high-tech means that make wide dissemination possible deserves a more severe penalty, surely is meant to curtail activities of certain groups and their appeal to a broad audience. Equally troublesome is the provision that when such acts are committed on "instructions from abroad" or use "technical means received from abroad," which seems designed to limit contacts with foreigners and is so vaguely worded that it may be broadly applied.

In regard to the law on "insulting and defaming" organs and officials of the state and public organizations, it must be pointed out that whereas the prior law on slander covered "fabrications known to be false," the new law is actually less precise, makes no distinction as to the truth or untruth of the insulting or defamatory statements, and upgrades this offense to a state crime, as opposed to a regular criminal offense.

And, the new law on "infringement of national or racial equality" — even as acknowledged by the official Soviet press (commentaries in Pravda and Izvestia noted that they are especially targeted at activists in the Baltic and Caucasian republics, and Ukraine) — is aimed directly at nationalist trouble-makers throughout the USSR.

What then, do we make of this "democratization" of the Soviet law? Frankly, not much. If this is all there is to Soviet legal reform, then the West should make its dissatisfaction known in no uncertain terms by refusing to attend the special conference on humanitarian affairs that has been slated by Helsinki Accords signatories for 1991 in Moscow. Soviet legal reform is, simply put: out of synch with the promises made, formally and informally, by the Soviets.

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11 April 1989

Decree Amending Law on Criminal Liability Published

PM1004154189 Moscow IZVESTIYA in Russian
11 Apr 89 Morning Edition p 3

["USSR Supreme Soviet Presidium Decree On the Introduction of Amendments and Addenda to the USSR Law 'On Criminal Liability for State Crimes' and Certain Other USSR Legislative Acts"—IZVESTIYA headline]

[Text] The USSR Supreme Soviet Presidium resolves:

I. To introduce the following amendments and addenda to the USSR Law "On Criminal Liability for State Crimes" dated 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR, 1959, Issue No 1, p 8; 1961, Issue No 21, p 222; 1984, Issue No 3, p 58):

1. Articles 7 and 11 are to read as follows:

"Article 7. Calls for the Overthrow or Change of the Soviet State and Social System
"Public calls for the overthrow of the Soviet state and social system or for its change by methods contrary to the USSR Constitution, or for obstructing the execution of Soviet laws for the purpose of undermining the USSR political and economic system, and equally the preparation for purposes of dissemination or the actual dissemination of material containing such calls
—"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000.
"The same actions, committed repeatedly either by an organized group of persons or involving the use of technical means designed or adapted for large print runs
—"are punishable by deprivation of freedom for a period of up to 7 years or a fine of up to R5,000.
"Actions falling within parts 1 or 2 of this article, committed on instructions from organizations abroad or their representatives or involving the use of material assets or technical means received from the aforementioned organizations
—"are punishable by deprivation of freedom for a period between 3 and 10 years."

"Article 11. Infringement of National or Racial Equality
"Deliberate actions aimed at inciting national or racial enmity or dissension, degrading national honor and dignity, and any direct or indirect restriction on the rights or establishment of direct or indirect privileges for citizens depending on their race or nationality

—"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000.
"The same actions, when combined with violence, fraud, or threats or when committed by officials
—"are punishable by deprivation of freedom for a period of up to 5 years or a fine of up to R5,000.
"Actions falling within parts 1 and 2 of this article, when committed by a group of persons or when involving loss of human life or other grave consequences
—"are punishable by deprivation of freedom for a period of up to 10 years."

2. To supplement the Law with Articles 7 (1) and 11 (1), reading as follows:

"Article 7 (1). Calls for Commission of Crimes Against the State
"Public calls for betrayal of the motherland or the commission of a terrorist act or sabotage
—"are punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000."

"Article 11 (1). Insulting or Defaming State Organs and Public Organizations
"The public insulting or defamation of the USSR supreme organs of state power and government, other state organs constituted or elected by the USSR Congress of People's Deputies or the USSR Supreme Soviet, or officials appointed, elected, or approved in office by the USSR Congress of People's Deputies or the USSR Supreme Soviet, or public organizations and their all-Union organs constituted according to law and acting in conformity with the USSR Constitution
—"is punishable by deprivation of freedom for a period of up to 3 years or a fine of up to R2,000."

II. To introduce the following amendments to USSR legislative acts:

1. In part 2 of Article 7 (1) of the Fundamentals of Criminal Legislation of the USSR and Union Republics, ratified by the USSR Law of 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR 1959, Issue No 1, p 6; 1972, Issue No 22, p 176; 1973, Issue No 11, p 157; 1974, Issue No 18, p 275; 1983, Issue No 51, p 784; 1987, Issue No 28, p 437; 1988, Issue No 10, p 152), the words "infringement of national and racial equality under aggravating circumstances" should be added following the words "especially dangerous state crimes."

2. In part 1 of Article 28 of the Fundamentals of the Administration of Criminal Justice of the USSR and Union Republics, ratified by the USSR Law of 25 December 1958 (VEDOMOSTI VERKHOVNOGO SOVETA SSSR 1959, Issue No 1, p 6; 1961, Issue No 26, p 270; 1963, Issue No 16, p 181; 1981, Issue No 33, p 966; 1984, Issue No 3, p 58), the words "7 (anti-Soviet agitation and propaganda)" should be replaced by the words "7 (calls for the overthrow or change of the Soviet state and social system), 7 (1) (calls for the commission of crimes against the state)."

III. The Supreme Soviet Presidiums of union republics are instructed to bring the legislation of union republics in line with the present decree.

IV. The present decree comes into force on the day of its publication.

[Signed] M. Gorbachev, chairman of the USSR Supreme Soviet Presidium

T. Menteshashvili, secretary of the USSR Supreme Soviet Presidium

Moscow, Kremlin, 8 April 1989.

Leningrad 'Democratic Union' Criticized

PM1404121589 Moscow PRAVDA in Russian 14 Apr 89 Second Edition p3

[Article by correspondent N. Volynskiy: "Devious Move, or What the 'Democratic Union' Is Calling for"; first paragraph is reader's letter]

[Text] Leningrad—"I have heard that activists from the so-called 'Democratic Union' have launched a storm of activity in our city. I would like to know what their aims are and their methods of work." This question was asked by M. Khomyakov, a war and labor veteran from Leningrad.

At the beginning of December last year, a group of Leningrad writers sent a letter to the city prosecutor's office and also to the editorial offices of IZVESTIYA and LENINGRADSKAYA PRAVDA, containing a protest against the searches carried out in the apartments of five Leningraders—R. Yevdokimov, Ye. Podoltseva, Yu. Rybakov, A. Skobov, and V. Terekhov. The authors of the letter were particularly indignant at the fact that this had been done in connection with the institution of criminal proceedings against these people under Article 70 of the Russian Soviet Federated Socialist Republic Criminal Code (anti-Soviet agitation and propaganda).

However, the letter was not printed. In January, it was published in Paris, in the emigre newspaper RUSSKAYA MYSL, which, to judge by its articles, feels no particular love for the USSR and the restructuring taking place in our country. The letter was also reprinted by the journal POSEV, which is published in the FRG.

The letter says: "We are not acquainted with these people (R. Yevdokimov, Ye. Podoltseva, Yu. Rybakov, A. Skobov, and V. Terekhov) and do not know specifically what kind of material was being sought and what was found, but the 'Democratic Union' documents which have fallen into our hands—and some of the aforementioned people belong to this union—have convinced us that ideological struggle is the issue here. But the criminal prosecution of ideological opponents creates martyrs for an idea...."

The letter contains points which, in our view, are totally indisputable. It is no secret that Article 70 of the Criminal Code has compromised itself, as have the people who have applied it irresponsibly and unthinkingly. It has provided the scope for abuse of power and blatant arbitrariness and has often served as an instrument of political reprisal against people critical of the real state of affairs.

A natural outcome of the restructuring process was the recently published USSR Supreme Soviet Presidium Decree "On the Introduction of Amendments and Addenda to the USSR Law 'On Criminal Liability for State Crimes' and Some Other USSR Legislation." Consequently, the actions of the people referred to in the letter by the Leningrad writers—despite the fact that they are seen as criminally liable under the new decree also—must be appraised on the basis of the legislation in effect at that time.

One would like to believe that they, these actions, were not known to the authors of the letter, although a great deal could have been gleaned from the local press, television and radio broadcasts, and those same "Democratic Union" documents that are distributed around Leningrad without hindrance. What I should point out is this: Proceedings have been instituted not against any organization or formation, but in connection with specific people and events well known in the city on the Neva.

It would be interesting to know what kind of attitude the authors of the letter would take to the slogan "Kill a Communist!"; to appeals to arrange accidents and explosions on railroads and at chemical combines and nuclear power plants for political ends; to the endless procession of persistently provoked clashes and fights with the militia.

The list could go on for some time. The sources of this information, as I have said, are perfectly accessible. But obviously the time has come to speak out not just in relation to specific events, but about the organization as a whole which calls itself "a party opposed to the totalitarian regime" and "a political opponent of the CPSU."

There is no point pretending that we are dealing with mischievous youths here. It is time to admit the realities: The "Democratic Union" ("DU") is a proper organization, with its own program, organizational principles, statutes, membership rules, monetary fund, printed publications, and foreign ties. As far as the Leningrad branch is concerned, it has about 100 overt members. But there are also clandestine, conspiratorial members, whose responsibility it is to carry out recruiting work in army units and military schools, because the "DU," as its own documents make clear, has far-reaching aims. True, the "DU" leaders recently decided to abandon the institution of secret members. However, sociologists who are studying the actions of the union believe that this step is an obvious camouflage maneuver.

There is good reason to discuss terminology here. The "DU" calls itself an "opposition" party. How should we interpret the word "opposition" today? It comes from the Latin word meaning "contraposition." There is clearly no point in reminding you that the process of social movement and development is impossible without a struggle of opposite principles. I believe that the concept of "opposition" should be rehabilitated in its primordial, philosophical sense. After all, the idea was

expressed, for example, at the 19th party conference that the press in our country can and must, under a one-party system, play the role of socialist opposition.

The period of restructuring has provided a considerable number of examples of success with this kind of opposition. Take, for example, the abolition of the project to divert the northern rivers. However, the "DU" platform has nothing in common with such an expression of public opinion.

Becoming acquainted with the declaration, program, statute, and other documents of the "DU" circulated in Leningrad, you feel mounting consternation. It is perfectly obvious that the union has borrowed two-thirds and possibly even more of its ideas from... the CPSU! Regarding human rights, political and economic reform, questions of education and culture, relations with the church, your impression is this: The people who compiled these documents took the material of the 27th CPSU Congress and the 19th party conference, surrounded themselves with the central newspapers and journals, lifted passages from them, and thereby produced the "DU" program. The latter contains freedom from administrative methods of leadership, pluralism, an economy free of bureaucratic diktat, the development of the cooperative movement, the collective contract, lease system, and so on and so forth.

However, believe me, this is a screen, a mask. The real aim of the "DU," as, once again, its own documents make clear, is to remove the CPSU from the political arena and totally change the social system. Any methods are acceptable for this purpose, including acts of civil disobedience and a general political strike. Members of the Leningrad branch of the "DU" have also discussed in total seriousness the possibility of an armed seizure of power at their meetings. Some members of the union have openly called for the creation of combat groups and are trying to recruit military servicemen for this purpose.

And, as a result of all this: Constant conflict with the authorities, clashes with the militia, and appeals not only for political reprisals against Communists, but physical reprisals also. What kind of opposition is this, in the normal sense of the word? As we can see, we are dealing with unbridled extremism.

However, the "DU" has not even come up with anything original in this respect either. The idea of "urgently eliminating" the CPSU was not born on Leningrad soil or Moscow soil.

One of the people referred to in the letter of the Leningrad writers, R. Yevdokimov, is not formally a member of the "DU." However, he is involved in virtually all of its events and gives it organizational and agitation assistance. Yevdokimov is an official member and Leningrad representative of the so-called "International Human Rights Society." The bulletin ARGUMENTY I FAKTY wrote of this "society": "The International Human Rights Society is well known for its ties with West German and American special services, purposefully uses these ties for subversive activity against the USSR, and operates in close contact with the anti-Soviet organization, the People's Labor Alliance."

Let us recall the aims of the "People's Labor Alliance [NTS] of Russian Solidarists," quoting from their journal POSEV. In virtually every issue of this publication the NTS recalls that it is struggling to remove the existing regime in the USSR, and that NTS groups in our country operate underground, disseminate literature and flyers, and recruit reliable people for the work. R. Yevdokimov received POSEV at home direct by fax. The NTS directive documents were used by "DU" members in drawing up the part of the "Package of Documents" concerning methods of combating the CPSU and the socialist state.

In March last year POSEV published the article "Restructuring and the Political Opposition." It stated, in particular: "In Russia it is necessary, above all, to carry out a fundamental reform of paramount importance—essentially, removing the Communist Party from power. That should be the exclusive goal of the all-Russian political opposition."

Things, as they say, all fell into place. The aims of the "NTS" and the "DU" coincided. State security workers established that there was a connection, both direct and indirect, between Western special services' activities aimed at torpedoing restructuring, and the work of the "DU." How could we fail to pay attention to this? We put that question to the letter writers indignant about the unjust actions against R. Yevdokimov and his compatriots from the "DU."

We note that this organization contains people with different views on the struggle against the CPSU and its current course. There are "radicals" and "moderates." One of these "moderates" is the A. Skobov mentioned in the writers' letter. Here is the statement he made quite recently in POSEV once again: "I do not share a number of NTS ideological premises, but I consider the members of this organization, who are waging a heroic struggle against Bolshevik tyranny, to be my comrades and am always ready to act with them. We have a common cause. If I am arrested I will consider myself a prisoner of war. A war is a war!"

The "DU" particularly concentrates its attacks on the work and character of V.I. Lenin. The idea is obvious: It is Lenin's legacy that guides the CPSU's current course. Not for nothing do Western opponents of restructuring state that it is necessary to decouple V.I. Lenin from Gorbachev!

Incidentally, the "DU" organ—the samizdat journal DEMOKRATICHESKAYA OPPOZITSIYA—is quite

eloquent on this point. After the scandal following its publication of vile poems and articles about V.I. Lenin, the journal made the political maneuver of declaring itself independent. This step was aimed to impress simpletons: The journal continues to be compiled by "DU" members, and they write its articles. Here is how one of the journal's editors defines its approach: "DEMOKRATICHESKAYA OPPOZITSIYA is an anti-Leninist, anticommunist journal."

Nonetheless, the facts remain the same: The activities of this extremist organization have the sympathies of a certain number of Leningraders. To some extent the attention given to "DU" actions can be explained by dissatisfaction with the slow pace of restructuring or the half-hearted way certain measures have been carried out. Yes, there have been shortcomings in the laws that have been adopted, and practice is revealing more and more problems. It has to be said that even we Communists sometimes fail to set the best of examples. But only an innocent would expect success to come straightaway out of the blue, or that there would be no ups and downs, no mistakes on this new and hitherto unknown road.

It is hard to forget one rally when, to approving roars from claqueurs, calls were voiced by "DU" members for the removal of the CPSU and the dismemberment of the USSR. The organizers of this event included Yu. Nesterov and A. Alekseyev, both Communists and leaders of the popular and outwardly loyal "Restructuring" Club in Leningrad. The calls to pin Stalin's crimes on the whole party and the insulting commentaries on the USSR Constitution met with loud approval. Everyone was allowed to speak...except Communists. One did, however, manage to take the floor and try to disagree with what had been said, but he was shouted down.

Before the end A. Alekseyev made a statement. On what? To say that Communists do not share antirestructuring views? Wrong. He stated that this entire orgy had been held... wholly within the guidelines of the USSR Constitution. Not for nothing, clearly. V. Terekhov, one of the "DU" leaders, said in conversation with me and my LENINGRADSKAYA PRAVDA colleague I. Losev that his organization intends to contact none other than the "Restructuring" Club and A. Alekseyev for further political consultations.

So who are these people straining at the leash for power today and embarked on the road of extremism? I do not intend to make a full analysis of their personalities. But facts from the biographies of individual "DU" leaders speak volumes. Long before embarking on the path of "democratic" struggle, V. Terekhov, member of the "DU" Coordinating Council, appeared in court. In 1972, with his friend O. Abdulla-Zade, he robbed an apartment and had to do time. And he is an experienced crook: he has carried out robberies on trains, too. V. Pershkhalo, treasurer of the "DU" Coordinating Council, has also run afoul of the law in his time. He was sentenced for extortion, embezzlement, and currency operations. Architect Yu. Rybakov's criminal stock-in-trade was different. Instead of banal robberies, he vandalized monuments, causing damage to the city of R13,000. His "DU" colleagues claim he did this in the heat of the political struggle, and wrote "freedom-loving" slogans on sculptures and facades of old buildings. But I am sure that if Rybakov were to scrawl "God Save the Queen!" on Nelson's Column in London he'd find himself in hot water. The British—citizens of a country whose democratic traditions impress many—would not let such disrespect for a monument go unpunished.

It should now be clear just what a disservice the writers of the letter published in RUSSKAYA MYSL and POSEV defending certain "DU" "figures" have done to our society and to themselves.

Today even those who consider themselves fervent advocates of the "DU" have started turning away from it. Having seen for themselves the wrongheadedness of the union's aims and the unscrupulousness of some of its "leaders," around 20 percent of "DU" members have broken with the organization recently.

It was quite natural to expect that radical and extremist movements would appear in society in the course of restructuring. There is nothing unusual about that. The need to defend restructuring and glasnost in law is another matter. Society must have guarantees against extremism. In drafting the law on social organizations and their status, it is necessary to stipulate both the right to opposition and legislative initiative, and the direct prohibition of activities by extremist formations such as the "DU," which are liable to do restructuring immense harm.

As for the criminal case brought by the KGB Administration, I am sure that it will be conducted in strict accordance with the law and the principles of a rule-of-law state which our Communist Party has proclaimed and is pursuing.